

### Remarks

Applicants have carefully reviewed the Requirement for Restriction, mailed on October 14, 2003. Claims 1-43 are canceled; claims 44-81 are added; as a result, claims 44-81 are pending in this application.

Support for the amendments to the claims is found in the specification and in the originally filed claims. Claim 44 (whey protein isolate) is supported by originally filed claims 15, and in the specification at page 7, lines 27-30, and at page 10, lines 19-28. Claim 44 is also supported at page 6, lines 3-7 (casein-free); page 10, line 30 through page 11, line 2 (step a); page 10, line 30 through page 11, line 12 (step b); page 11, lines 4-8 (step c); page 11, lines 13-16 (step d); page 11, lines 16-18 (step e); page 11, lines 18-21 (step f); and at page 11, lines 22-25 and by originally filed claim 22 (step g).

Claims 45 and 69 are supported in the specification at page 9, line 15 (sweet whey); claims 46 and 70 are supported in the specification at page 9, lines 15-16 (acid whey). Support for claims 47 and 71 is found in the specification at page 7, lines 21-26. Support for claims 48, 49, 72 and 73 is found in the specification at page 9, lines 14-15. Support for claims 50 and 74 is found in the specification at page 9, lines 25-26. Support for claims 51, 53, 75 and 77 is found in the specification at page 9, lines 13-16. Support for claims 52 and 76 is found in the specification at page 9, line 15. Support for claims 54, 55, 78 and 79 is found in the specification at page 10, line 30 through page 11, lines 12. Support for claims 56 and 80 is found in the specification at page 11, lines 1-2. Support for claims 57 and 81 is found in the specification at page 11, lines 25-26. Support for claims 58 and 67 are found in the specification at page 5, lines 23-25 and at page 7, lines 27-29.

Claims 59 and 68 are supported in the specification at page 8, lines 2-3. Claim 60 is supported in the specification at page 11, lines 10-12. Claim 61 is supported by originally filed claim 23 and in the specification at page 5, lines 25-27.

Claim 62 is supported in the specification at page 6, lines 3-7 (casein-free); page 10, line 30 through page 11, line 2 (step a); page 10, line 30 through page 11, line 12 (step b); page 11, lines 4-8 (step c); and generally at page 10, line 29 through page 11, line 12. Claim 63 is

supported in the specification at page 11, lines 13-16. Claims 64 and 65 are supported in the specification at page 11, lines 16-18 and at page 11, lines 18-21. Claim 66 is supported in the specification at page 11, lines 22-25 and by originally filed claim 22.

Applicants believe no new matter is added by the amendments to the claims.

In this preliminary amendment, Applicants have canceled all of the previously pending claims, and are submitting a new set of claims. In response to the Restriction Requirement mailed October 14, 2003, Applicants provisionally elect without traverse the invention of claims 44-81, drawn to a method for producing a whey protein isolate from whey starting material comprising removing lipids from said whey starting material, by the addition of silicon dioxide, etc., classified in class 424, subclass 535, for example. It is believed that this claim set is properly classified in Group II and finds support in claims 15-22, as originally grouped by the Examiner.

RESPONSE TO RESTRICTION REQUIREMENT

Serial Number: 09/883648

Filing Date: June 18, 2001

Title: Process for Preparing Protein Isolate From Milk, Whey, Colostrum, and the Like

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Dkt: 1871.003US1

**Conclusion**

Applicants respectfully request a favorable examination of the merits of this patent application. The Examiner is invited to telephone Applicants' attorney (612-349-9580) to facilitate prosecution of this application. Please charge any additional fees deemed necessary to Deposit Account 19-0743.

Respectfully submitted,

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Date December 15, 2003

By



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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 15<sup>th</sup> day of December, 2003.

Name



Signature

